IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

WP(C).No. 32296 of 2006(T)

PETITIONERS:

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1. **V.C. SHAJI, AGED 33 YEARS,**
   S/O. DASAN, CHANNEL ZONE, CABLE NETWORK,
   P.O. CHOWA, KANNUR.

2. **SHAHITH KUMAR,**
   SKY VISIION CABLE NETWORK, MATHRUBHUMI STOP,KANNUR

3. **RAGHUVEER RAMAN,**
   SPACE CABLE TV NETWORK, KANNOTHUMAHAL ROAD, KANNUR

4. **K. GANGADHARAN,**
   PVS CABLE VISION, MALABAR TOWERS, KANNUR.

5. **JIDESHKUMAR P.K.,**
   KUMAR CABLE TV NETWORK, THAZHAKAL PEEDIKA,
   CHOWA, KANNUR.

6. **M.P. SUJIL,**
   AERO VISION CABLE TV NETWORK, KANCHIRA,
   THOTTADA P.O., KANNUR.

7. **ANIL SILIL,**
   V STAR CABLE NETWORK, KANNOTHUCHAL, CHOWA, KANNUR

8. **M. PRAVEENKUMAR,**
   P.G. CABLE VISION, ARATTU ROAD, KANNUR.

9. **SURENDRAN,**
   SAI SAT CABLE VISION, HRA COMPLEX, CHALAD, KANNUR.

BY ADV. SRI.RENJITH THAMPAN

RESPONDENTS:

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1. **KERALA STATE ELECTRICITY BOARD,**
   REPRESENTED BY SECRETARY, VYDHYUTHI BHAVAN,
   THIRUVANANTHAPURAM.

2. **THE EXECUTIVE ENGINEER,**
   ELECTRICAL DIVISION, KSEB, KANNUR.

3. **THE EXECUTIVE ENGINEER,**
   ELECTRICAL DIVISION, KSEB, CHOVVA, KANNUR.

BY ADV. SRI.JOSE J. MATHEIKEL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.32296/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER OF THE K.S.E.BOARD DT.18.10.02.

EXT.P2:- COPY OF THE SANCTION ORDER DT.8.1.03 ISSUED TO THE 1ST PETITIONER.

EXT.P3:- COPY OF THE SANCTION ORDER DT.8.1.03 ISSUED TO THE 2ND PETITIONER.

EXT.P4:- COPY OF THE AGREEMENT DT.2.12.02 EXECUTED BY 3RD PETITIONER.

EXT.P5:- COPY OF THE ORDER OF THE K.S.E.B. DT.5.10.06.

EXT.P6:- COPY OF THE APPLICATION FILED BY THE 4TH PETITIONER DT.27.10.06.

EXT.P7:- COPY OF THE BOARD ORDER NO.1213/2006)LA.VI/16736/02) DT.12.04.06.

/TRUE COPY/

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K.BALAKRISHNAN NAIR,J.

WP(C)NO.32296 OF 2006-T

Judgment

The petitioners are Cable TV Operators. They have used the poles of the KSEB for drawing cable without the sanction of the officials of the KSEB. When steps were taken to dismantle the cable drawn by them, this Writ Petition is filed, seeking a direction to the Electricity Board to regularise the drawing of cables done by them by receiving the rental as applicable now.

2. The 2nd respondent has filed a statement in which it is submitted that some of the cables presently used by the petitioners have already been allotted to others and therefore, a joint verification has to be conducted to find out whether there are any poles which are not allotted to others and therefore, could be granted to the petitioners by regularising their drawing of the cable.

3. Respondents 2 and 3 are directed to cause an inspection of the cables drawn by the petitioners with notice to them and find out whether any poles are available which are not already allotted to others, so that the question of regularisation of the drawing of the line by the petitioners could be considered. This, the respondents 2 and 3 shall do within two weeks from today. The status quo as on today shall be maintained till the joint verification is done. Once the joint verification is over, the petitioners shall be given an opportunity to

regularise the drawing of cables unauthorisedly drawn by them, provided those poles are not allotted to third parties.

The Writ Petition is disposed of as above.

23.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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